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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,593	06/25/2003	Steven E. Tivey	52493.000312	1428

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HUNTON & WILLIAMS LLP  
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WASHINGTON, DC 20006-1109

EXAMINER
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MCCORMICK, GABRIELLE A

ART UNIT	PAPER NUMBER
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3629

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/602,593

Applicant(s)

TIVEY ET AL.

Examiner

Gabrielle McCormick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/29/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Status of Claims*

1. This action is in reply to the application filed on June 25, 2003.
2. Claims 1-20 are currently pending and have been examined.

### *Information Disclosure Statement*

3. The Information Disclosure Statement filed on March 29, 2004 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 7, 14, 17-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Buckenmayer (US Pub. No. 2002/0165728).
6. **Claims 1 and 17:** Buckenmayer discloses a method and system (access to the Web via a personal computer (inherently containing processing and interface capabilities) is assigned to a sales representative or manager; see para. [0042]) for managing sales leads:

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- *an agent working a sales lead; (para. [0055] "SRx 20 may begin with the processing of the inquiry.")*
  - *obtaining disposition information regarding the sales lead, the disposition information representing a disposition of the sales leads; transmitting the disposition information to a lead processing portion; (para. [0022]: sales representative has transacted the disposition of a lead and clicks the "dispose of lead" button which automatically changes the attribute status to "C" for closed.)*
  - *comparing the disposition information with associated disposition rules in the lead processing portion; and controlling the further processing of the sales lead based on a disposition rule selected as a result of the comparing. (para. [0055]: "After disposal, customer 6 receives the attribute status "C", whereupon the modified inquiry file is again transferred back to LITE 3 and is stored in the central database 2 wherein the version of the inquiry file that has been present up to now, but is no longer current, is overwritten." The process of overwriting a file inherently includes performing a comparison to find the previous version so that it can be overwritten.)*
7. **Claims 2, 3, 4 and 18:** Buckenmayer discloses a sales agent terminating working the lead and entering a disposition code. (para. [0022]: sales representative has transacted the disposition of a lead and clicks the "dispose of lead" button which automatically changes the attribute status to "C" for closed.)
8. **Claim 5:** Buckenmayer discloses providing the "Lead source" (para. [0104]).
9. **Claim 7:** Buckenmayer discloses searching leads by status (para. [0143] and para. [0160] changing leads (a status, i.e., disposition code, could be assigned at this point).
10. **Claim 14:** Buckenmayer discloses entering the "Name of person making the entry" (para. [0082]) and "Changing or deleting a lead is only possible for the person entering it" (para. [0160]).
11. **Claim 20:** Buckenmayer discloses
- *an agent working a sales lead; ; (para. [0055] "SRx 20 may begin with the processing of the inquiry.")*

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- *obtaining disposition information regarding the sales lead, the disposition information representing a disposition of the sales leads; transmitting the disposition information to a lead processing portion; (para. [0022]: sales representative has transacted the disposition of a lead and clicks the "dispose of lead" button which automatically changes the attribute status to "C" for closed.)*
- *comparing the disposition information with associated disposition rules in the lead processing portion; and controlling the further processing of the sales lead based on a disposition rule selected as a result of the comparing; (para. [0055]: "After disposal, customer 6 receives the attribute status "C", whereupon the modified inquiry file is again transferred back to LITE 3 and is stored in the central database 2 wherein the version of the inquiry file that has been present up to now, but is no longer current, is overwritten." The process of overwriting a file inherently includes performing a comparison to find the previous version so that it can be overwritten.)*
- *wherein the obtaining disposition information is performed by the sales agent, working the sales lead, entering the disposition information; wherein the disposition information is entered in conjunction with the sales agent terminating working the lead; (para. [0022]: sales representative has transacted the disposition of a lead and clicks the "dispose of lead" button which automatically changes the attribute status to "C" for closed.)*
- *and the method further including a sales management person effecting: inputting search criteria in the sales lead system to identify sales leads having particular attributes; and identifying identified sales leads having the particular attributes; and wherein the obtaining disposition information regarding the sales lead includes assigning a disposition code to each of the identified sales leads, the disposition information being the disposition code. (para. [0143] and para. [0160] changing leads (a status, i.e., disposition code, could be assigned at this point).*

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 6, 8-10 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer (US Pub. No. 2002/0165728) in view of Leadtrack.com (pages documented from the Internet Archive on July 21, 2001 (<http://web.archive.org/web/20010806080042/leadtrack.com/appfeatures.html>; <http://web.archive.org/web/20010811025743/leadtrack.com/reports/terr.gif>; and <http://web.archive.org/web/20010811024757/leadtrack.com/reports/overdue.gif> hereinafter referred to as "Leadtrack").
14. **Claims 6, 8 and 19:** Buckenmayer discloses the method of claims 1, 7 and 17. Buckenmayer does not disclose *non-action of the sales action or an amount of time that a particular sales lead has aged subsequent to the particular sales lead being assigned to an agent, with no disposition being performed upon the particular sales lead.*
15. Leadtrack, however, "Overdue Lead Report" on page 4 wherein leads for a territory under "Bill Johnson" are past due without any activity.
16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included tracking aging of leads without activity, as disclosed by Leadtrack in the system disclosed by Buckenmayer, for the motivation of providing a method of evaluating sales agent productivity.
17. **Claims 9 and 10:** Buckenmayer discloses the method of claim 1. Buckenmayer further discloses *permanently terminating work on the sales lead based on the disposition*; (para. [0053]: T=Lead timeout, i.e., no lead processing is to be conducted any longer) and *storing sales lead*

*information representing the sales lead in a leads memory portion (para. [0055] ]: "After disposal, customer 6 receives the attribute status "C", whereupon the modified inquiry file is again transferred back to LITE 3 and is stored in the central database 2..."*

18. Buckenmayer does not disclose one of: *suppression of the sales lead, application submitted associated with the sales lead, rework the sales lead, and effect sleep of the sales lead or comparing a new lead, having new lead information, to the sales lead information to determine if the new lead is a duplicate of the sales lead.*
19. Leadtrack discloses "Automatic on-line checking for duplicates" (page 1; bullet 6) and various "Lead Status" keys, such as "D—DEAD". The applicant's specification points to their Figure 16 as "Illustrative Dispositions of Leads" where under the suppressed grouping, "DECEASED" is a disposition. Therefore, Leadtrack's status key of "D—DEAD" teaches the limitation of a "suppression disposition".
20. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included suppression keys and duplicate checking, as disclosed by Leadtrack, in the system disclosed by Buckenmayer, for the motivation of providing detailed information on the status of a lead.

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21. Claims 11, 13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer (US Pub. No. 2002/0165728) in view of Schultze (US Pat. No. 7,047,206).
22. **Claim 11:** Buckenmayer discloses the method of claim 1. Buckenmayer further discloses *periodically checking the sales lead to determine if the period has expired* (para. [0025]; timer) Buckenmayer does not disclose *placing the sales lead into a sleep state so as to temporarily prevent assignment of the sales lead; and upon the sleep state expiring, reviving the lead for working.*
23. Schultze, however, discloses a user selecting a lead contact result of "evaluation" or "project" in which the lead needs time to make a decision. A time limit is set which requires the user to follow-up on leads, hence, reviving the lead for working. (col. 7; lines 1-15).
24. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included working the lead further after an evaluation period, as disclosed by Schultze, in the system disclosed by Buckenmayer, for the motivation of allowing a customer to determine whether the product meets their needs.
25. **Claim 13:** Buckenmayer discloses auto-assigning the sales lead. (para. [0131]).
26. **Claim 15 and 16:** Buckenmayer discloses the limitations of claim 1. Buckenmayer does not disclose *a re-workable type of lead or the agent associating a disposition to the sales lead indicating that the sales lead is to be reworked, the first agent not having worked the sales lead that is assigned to the sales agent; and controlling the further processing of the sales lead includes forwarding the sales lead to a second agent for working the sales lead without suppressing the sales lead.*
27. Schultze discloses a method for assigning and tracking leads in which a first agent is provided a limited time that the lead is "available exclusively". "The reseller must contact the lead before the lead becomes available again to other resellers." (col. 2; lines 35-49).
28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included reworking a lead by a second agent, as disclosed by Schultze, in the



system disclosed by Buckenmayer, for the motivation of reducing the number of leads that become cold..." (Schultze; col. 2; lines 41-43).

29. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer (US Pub. No. 2002/0165728) in view of Schultze (US Pat. No. 7,047,206) in view of **Official Notice**.
30. **Claim 12:** Buckenmayer in view of Schultze teach the limitations of claim 11, but do not teach determining a client has submitted as new response and reviving the lead for working.
31. However, the Examiner takes **Official Notice** that the further processing of a lead toward a potential sale as a result of receiving a request from a client for a quote or additional product literature is old and well known in the marketing and sales arts. Schultze teaches that a client may need to evaluate sales information. The potential outcomes may be a request for additional literature or a request for a quote, at which time, a sales representative would begin "working the lead" by providing these requested items in the hope that a sale will eventually result from these efforts.
32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included reviving a lead as a result of client contact in the system disclosed by Buckenmayer, for the motivation of maximizing the potential sales order of the lead.

### ***Provisional Double Patenting***

33. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application

claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

34. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.
35. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).
36. Claims 1-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 10/602592, claims 1-20 of Application No. 10/602594, claims 1-25 of Application No. 10/602707 and claims 1-29 of Application No. 10/602923. Although the conflicting claims are not identical, they are all supported by near duplicate disclosures. The differences between the five disclosures is minimal and as such, the subject matter claimed in the instant application is fully disclosed in the referenced copending applications and would be covered by any patent granted on either copending application since the referenced copending applications and the instant application are claiming the common subject matter of systems and methods for processing, validating, assigning, distributing and managing sales leads. Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application.
37. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

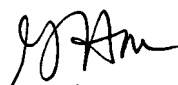
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### **Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is 571-270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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